



Security Council

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NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

After the consultations held on 10 December 1993, the President of the Security Council issued the following statement on behalf of the members in connection with the item relating to the Libyan Arab Jamahiriya:

"The members of the Security Council held informal consultations on 10 December 1993 pursuant to paragraph 13 of resolution 748 (1992), by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya.

"After hearing all the opinions expressed in the course of consultations, the President of the Council concluded that there was no agreement that the necessary conditions existed for modification of the measures of sanctions established in paragraphs 3 to 7 of resolution 748 (1992)."



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GENERAL ASSEMBLY
Forty-eighth session
Agenda item 114
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Forty-eighth year

Letter dated 10 December 1993 from the Chargé d'affaires a.i.
of the Permanent Mission of Romania to the United Nations
addressed to the Secretary-General

I have the honour to transmit herewith the Declaration of the Chamber of Deputies of the Parliament of Romania on the sentences pronounced against the "Ilascu group" (see annex I) and the statement of the Government of Romania on the death penalty pronounced against Ilie Ilascu (see annex II), both dated 9 December 1993.

I should be grateful if you would have the text of the present letter and its annexes circulated as an official document of the General Assembly, under agenda item 114, and of the Security Council.

(Signed) Ioan BARAC
Chargé d'affaires a.i.

ANNEX I

Declaration made on 9 December 1993 by the Chamber of Deputies of the
Parliament of Romania on the sentences pronounced against
the "Ilascu group"

It is with horror and indignation that we have learned that the patriot Ilie Ilascu was sentenced to death and the other members of the group were convicted to heavy and long detention. These sentences follow a judicial frame-up in the self-proclaimed "Transdnister republic" in Tiraspol that does not enjoy any recognition from the international community.

The only guilt of these patriots is that they have fought on the territory of their own country, the Republic of Moldova, a sovereign and independent State, Member of the United Nations, recognized by the international community. They have been convicted because they did not accept a diktat of the forces reminiscent of the old imperial Soviet regime.

This dramatic development proves once again that the presence of the 14th Army on the territory of the Republic of Moldova is a source of instability, abuse and crime.

The Government of the Russian Federation, in its turn, cannot be exonerated of responsibility for this crime, as we witness a violation of the unanimously recognized principle of democratic will that should govern any relations in the civilized international community.

The circumstances in which the so-called trial took place and the denying of the right to appeal of the detainees show the barbaric and inhuman character of this frame-up.

The Chamber of Deputies of the Parliament of Romania condemns the illegal sentence given by an illegal court in despire of the fundamental human rights and urge the international community, all international fora, the Heads of State and Government, the Parliaments and non-governmental organizations to act with their full authority to determine the self-proclaimed authorities in Tiraspol to repeal forthwith these illegal sentences pronounced against innocent people.

ANNEX II

Statement issued on 9 December 1993 by the Government of Romania on the
death penalty pronounced against Ilie Ilascu

The Government of Romania is extremely concerned by the sentences to death by firing squad for Ilie ILASCU and to heavy detention penalties for the other members of his group.

This cynical and criminal decision represents a defiance to the elementary norms of justice and human ethics which, at the same time, constitutes a real threat to the political stability and security in the region.

The adoption of such sentences proves once again the illegal statute of the self-proclaimed authorities in Tiraspol and defies any norms of the international humanitarian law.

The Government of Romania addresses an extremely urgent appeal to all democratic Governments, international organizations and political leaders urging them to act with a view to putting an immediate end to this tragic farce.

It is the hope of the Government of Romania that in these critical moments, those who are responsible for this sentence and its unpredictable consequences will repeal forthwith their decision.

In this crucial moment, the Government of Romania expresses its full solidarity and support for the group of patriots lead by Ilie Ilascu, a vivid symbol of courage and human dignity, of the audacious struggle for independence and territorial integrity of their country.



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Agenda items 114 and 115
HUMAN RIGHTS QUESTIONS
SITUATION OF HUMAN RIGHTS IN
ESTONIA AND LATVIA

SECURITY COUNCIL
Forty-eighth year

Letter dated 10 December 1993 from the Permanent Representative
of the Republic of Moldova to the United Nations addressed to
the Secretary-General

I have the honour to transmit to you herewith the text of an appeal by the President of the Republic of Moldova, His Excellency Mr. Mircea Snegur, to the United Nations, the Conference for Security and Cooperation in Europe, the Council of Europe and heads of State and Government (annex I) and the text of a statement by the Ministry for Foreign Affairs of the Republic of Moldova on the fate of the political detainee Ilie Ilascu, sentenced to death, and five other defendants, sentenced to long terms in jail by the so-called "Supreme Court" of the self-styled "Dniester Republic" (annex II).

I should be grateful if you would have the present letter and the attached texts circulated as an official document of the General Assembly, under agenda items 114 and 115, and of the Security Council.

(Signed) Tudor PANTIRU
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of the Republic of
Moldova to the United Nations

ANNEX I

Appeal made on 9 December 1993 by the President of the Republic of Moldova to the United Nations, the Conference for Security and Cooperation in Europe, the Council of Europe, and heads of State and Government

On 9 December 1993, the illegal judicial authorities of the self-proclaimed Moldovan Transdnestr Republic (a phantom State created on the territory of the Republic of Moldova) announced the verdict in the trial of the political detainees known as the "Ilascu group".

Ilie Ilascu was sentenced to death by shooting and the other detainees to periods of imprisonment of from 2 to 15 years, with confiscation of their assets.

Thus the separatist leaders from Tiraspol have concluded a tragic political and judicial farce organized and managed by them, arrogantly breaking the fundamental principles the world community stands for: democracy, justice, freedom and humanism.

The efforts made by the leadership of the Republic of Moldova, the United Nations, the Conference for Security and Cooperation in Europe, European Council, parliaments and Governments, politicians and statesmen to bring to an end this quasi-judicial trial and to hand over the prisoners to the constitutional judicial bodies have been unsuccessful.

The execution of the sentence will mean nothing else but a premeditated, horrible and squalid crime that cannot be tolerated. To prevent this crime we request your urgent and insistent intervention in order to take adequate measures to prevent the execution of this illegal and inhuman sentence, and to facilitate the unconditional handing over of the detainees to the Supreme Court of Justice of the Republic of Moldova.

Mircea SNEGUR
President of the Republic of Moldova

ANNEX II

Statement issued on 9 December 1993 by the Ministry for
Foreign Affairs of the Republic of Moldova

With the citizen Ilie Ilascu having been condemned to death, the so-called "trial" in Tiraspol of the six patriots of the Republic of Moldova is over.

It was absolutely clear from the very beginning that this process was nothing else but a perfectly framed up, exclusively political farce, which is characteristic of the conflict in the eastern districts of the Republic of Moldova. It is actually a hot-blooded fight between the old and new, between two opposite social-political systems, one Bolshevik and dictatorial, and the other pursuing an in-depth process of fundamental democratic reforms.

The six persons have been condemned not for serious penal misdemeanours but for their political beliefs, for their refusal to recognize an impostor, neo-communist and totalitarian regime. That constitutes one of the most flagrant violations of human rights and fundamental freedoms.

The sentence has been pronounced. However, for the so-called judges, there is much more at stake than the mere life and destiny of a group of people. This is an attempt to prove to the world that such regimes do not need international recognition to exist.

Moreover, by pronouncing the verdict, the leaders from Tiraspol intended to prove that they were able to ignore world opinion, easily disregarding numerous appeals and démarches that had been addressed to them by heads of State, the United Nations, the European Union, the Council of Europe and other international organizations. At the same time, the recent decision taken at the meeting of the Council of Ministers of the Conference for Security and Cooperation in Europe at Rome has been ignored.

The Government of the Republic of Moldova observes in good faith the principles of peaceful settlement of the conflict in its eastern districts. Unfortunately, the judicial farce that has taken place in Tiraspol is a painful reminder of the other model of settlement that is imposed on us: offensive, defiant, from a position of force.

The Decree of President Mircea Snegur of 9 December 1993 has declared both the juridical trial in Tiraspol and the sentence null and void. However, the peril of the consequences of that sentence remains real, endangering not only the destiny of the six persons convicted, but also the social and political stability of the country.

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English

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Having stated this, the Ministry for Foreign Affairs of the Republic of Moldova appeals to all democratic Governments, the United Nations, the Conference for Security and Cooperation in Europe, the European Union and the Council of Europe to intervene promptly in order to prevent the execution of the sentence, and to speak out categorically in favour of handing over the political detainees to the constitutional authorities in Chisinau.



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11 December 1993

ORIGINAL: ENGLISH

LETTER DATED 10 DECEMBER 1993 FROM THE PRESIDENT OF THE
SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council welcome your report of 26 November 1993 (S/26802). Pursuant to resolution 867 (1993), the members of the Security Council are continuing their review, based on your report, and have found no reason why the mandate of the United Nations Mission in Haiti (UNMIH) should not be continued for the full six-month period authorized by resolution 867 (1993).

(Signed) LI Zhaoxing
President of the Security Council



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11 December 1993

ORIGINAL: ENGLISH

LETTER DATED 7 DECEMBER 1993 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In my letter to the President of the Security Council (S/26689) of 3 November 1993, I expressed the concern that recent cases of arbitrary execution in El Salvador confirmed the need for the immediate implementation of the recommendations of the Commission on the Truth regarding the investigation of illegal groups. I stated that I had decided to instruct the Director of the Division of Human Rights of ONUSAL, with supplementary expert assistance as needed, to work with those concerned in order to assist the Government in implementing this recommendation. I added that the National Counsel for the Defense of Human Rights, within his constitutional responsibilities, could also play an important role in the investigation.

The Security Council approved my ideas about how the United Nations should help in such an investigation in its statement (S/26695) of 5 November 1993. From 8 to 15 November 1993 I dispatched a mission to El Salvador led by Under-Secretary-General Marrack Goulding. Extensive consultations were held with all concerned and considerable progress was made towards an agreement on the principles for the establishment of a Joint Group for the investigation of politically motivated illegal armed groups. In later consultations, it was agreed that the members of the Joint Group would be two independent representatives of the Government of El Salvador nominated by the President of the Republic, the National Counsel for the Defence of Human Rights and the Director of the Division of Human Rights of ONUSAL.

I have been informed by my Special Representative in El Salvador, Mr. Augusto Ramirez-Ocampo, that President Cristiani has now nominated the two independent Government representatives to the Joint Group. Mr. Ramirez-Ocampo has informed me that both persons nominated, Dr. José Leandro Echevarría and Dr. Juan Jerónimo Castillo, are independent lawyers of longstanding prestige and that he is satisfied that they are well qualified for the task at hand. In addition, the nominations have the approval of the National Counsel for the Defence of Human Rights.

The text of the Principles for the establishment of the Joint Group is attached to this letter. The mechanism for the investigation of illegal armed groups has thus been duly conformed and may commence its work immediately.

S/26865
English
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I would be grateful if you would be kind enough to bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Annex

[Original: English/Spanish]

PRINCIPLES FOR THE ESTABLISHMENT OF A JOINT GROUP FOR THE
INVESTIGATION OF POLITICALLY MOTIVATED ILLEGAL ARMED GROUPS

1. A Joint Group will be formed for the investigation of politically motivated illegal armed groups. The members of the Group will be the following:

(a) Two representatives of the Government of the Republic of El Salvador, nominated by the President;

(b) The National Counsel for the Defence of Human Rights;

(c) The Director of the Division of Human Rights of ONUSAL.

The participation of the National Counsel for the Defence of Human Rights and the Director of the Division of Human Rights of ONUSAL, will be without prejudice to their mandates under the Constitution of El Salvador and the San José Agreement, respectively.

2. The Joint Group will have its own institutional identity and its purpose will be to assist the Government in applying the recommendation of the Commission on the Truth with respect to carrying out an in-depth investigation into illegal armed groups. The definition of illegal armed groups will be that of the phenomenon described in the recommendations of the Report of the Commission on the Truth. The investigation will cover the activities of such groups from 16 January 1992, the date on which the Peace Accords were signed.

3. The Joint Group will have the following faculties:

(a) To organize, conduct and supervise a technical team composed of Salvadorian and foreign investigators of renowned competence, impartiality and respect for human rights.

(b) To present a report to the President of the Republic and to the Secretary-General of the United Nations which will include conclusions and recommendations and the reports received from the technical team. The report of the Joint Group will be public.

4. The Joint Group will endeavour to adopt its decisions by consensus. However, if this consensus is not reached, the case will be referred to the President of the Republic and the Secretary-General of the United Nations, for its resolution in a manner which will guarantee the effectiveness and credibility of the investigation.

5. The Joint Group and the technical team will have no jurisdictional functions and will work within a framework which will be:

(a) Autonomous;

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(b) Impartial and apolitical;

(c) Confidential, except when criminal acts committed by individuals or groups are uncovered. In these cases, information regarding these criminal acts will be immediately referred to the attention of the Public Prosecutor, who will carry out the appropriate investigation.

6. The Joint Group will be established on 8 December 1993 and will have a mandate of six months period during which the members of the Joint Group will remain in office. At the end of its mandate, it will present the report referred to in paragraph 3 (b).

7. The Joint Group will have its own budget and an autonomous administration.

8. The Secretary-General of the United Nations will convey these Principles to the Security Council and will request from the Council a statement of support.



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LETTER DATED 10 DECEMBER 1993 FROM THE PRESIDENT OF THE
SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council welcome your letter of 7 December 1993 (S/26865), concerning the establishment of a Joint Group for the investigation of politically motivated illegal armed groups, composed of two independent representatives of the Government of El Salvador nominated by the President of the Republic, the National Counsel for the Defence of Human Rights and the Director of the Division of Human Rights of the United Nations Observer Mission in El Salvador (ONUSAL).

The members of the Council support the "Principles", attached to your letter, which will give the group an independent, impartial and non-political character. The members of the Council also support your role in ensuring the effectiveness and credibility of the investigation.

The members of the Council consider it of the utmost importance that all necessary measures are taken to facilitate the task of the Joint Group so that the recommendation of the Commission on the Truth regarding the full investigation of the illegal armed groups is promptly implemented. They call upon all parties in El Salvador to cooperate fully in this respect.

The members of the Council will continue to follow closely the situation in El Salvador and request you to keep them informed on developments on this matter.

(Signed) LI Zhaoxing
President of the Security Council
